

FILED

United States District Court

MAY 27 2015

WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

Aaron HERNANDEZ

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY LM DEPUTY

CRIMINAL COMPLAINT

CASE NUMBER: M0-15-MJ-232

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 26, 2015 in MIDLAND county, in the WESTERN District of TEXAS, defendant(s) did, (Trace Statutory Language of Offense)

did knowingly and intentionally possess a firearm to wit: Taurus .38 Special Ultra-Lite (Serial #EU14831 manufactured in Brazil), which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g) (1) after having been convicted of a crime punishable by imprisonment for a term exceeding one year, namely for the felony offense of Burglary of Habitation - CR36529 on 11/24/09 in the 385th District Court in Midland, Midland County

in violation of Title 18, United States Code, Section(s) 922 (g)(1)

I further state that I am a(n) Task Force Officer and that this complaint is based on the following facts:

Official Title

SEE ATTACHMENT

Continued on the attached Sheet and made a part hereof:

☒ Yes ☐ No

Sworn before me and subscribed in my presence,

5/20/15

Date

at Midland Texas

City and State

U.S. MAGISTRATE JUDGE DAVID COUNTS

Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT

I, James Dolan, a Detective with the Midland Texas Police Department, currently assigned to the Drug Enforcement Administration (DEA) as a Task Force Officer (TFO), being duly sworn state:

1. I have successfully completed extensive training emphasizing narcotics investigation and law enforcement. I have been employed by the Midland Texas Police Department as a police officer and detective for approximately 10 ½ years and have participated in numerous narcotics investigations involving firearms violations. I have also attended courses based on investigating Narco-Terrorism and interdiction. In addition, I have operated in an undercover capacity during investigations where narcotics were purchased.
2. I am familiar with the facts and circumstances of this investigation as a result of my personal participation in the investigation referred to in this affidavit and information summarized in reports I have reviewed. I have compiled information derived from numerous discussions with experienced law enforcement officers, and detectives of the Midland Police Department. Since this complaint is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known by me in the investigation. More specifically, I have set forth only pertinent facts that I believe are necessary to establish probable cause. Based on the facts cited in the body of this affidavit, I believe that probable cause exists that **Aaron HERNANDEZ** who having been convicted of a crime punishable by imprisonment for a term exceeding one year, namely for the felony offense Burglary of Habitation – CR36529 on 11/24/09 in the 385th District Court in Midland, Midland County, did knowingly and intentionally possess a firearm to wit: Taurus .38 Special Ultra-Lite (Serial #EU14831 manufactured in Brazil), which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g) (1).

3. On May 26, 2015 Agents and TFO'S with the DEA MRO were conducting surveillance on 1213 E. Parker in reference to information about a subject Ivan SANCHEZ selling narcotics from this residence. Agents also received information that SANCHEZ was in possession of a firearm. During surveillance Agents observed a gold 2006 Mercury Marquis bearing TX LP # CCX-0488 leave the residence (1213 E. Parker). When the vehicle left the residence the driver drove west on Parker and then turned south on Tyler failing to signal the turn. The driver continued south on Tyler to Nobles and then went west on Nobles. The driver continued across Lamesa on Nobles where a marked City of Midland patrol officer conducted a traffic stop for the aforementioned traffic violation (fail to signal turn). It should be noted that this vehicle also has illegal window tint on the vehicle.
4. When Officers made contact with the driver they could smell a strong odor of marijuana emanating from inside the vehicle. Officers also observed marijuana blunt in plain view. Officers at this time secured the occupants inside the vehicle and conducted a search of the vehicle. During the search Officers located a Taurus .38 Special Ultra-Lite (Serial #EU14831 manufactured in Brazil) in the back seat area of the vehicle under the seat.
5. At this time all three individuals were transported to the 3rd floor of the Midland Police Department to be interviewed. First Agents spoke with Aaron HERNANDEZ, prior to the interview HERNANDEZ was read the Miranda warning which he advised he understood. During the interview HERNANDEZ was asked about the gun. HERNANDEZ at this time admitted the gun was his and that he would take the charge.
6. Next Agents spoke with Ivan SANCHEZ, prior to the interview SANCHEZ was read the Miranda warning, which he advised he understood. During the interview SANCHEZ was asked about the gun, SANCHEZ advised that the gun was HERNANDEZ. When asked if his fingerprints would be on the gun. SANCHEZ advised that during the weekend of May16 & 17 he was with HERNANDEZ and that went to a location out in the county south of Midland

off Fairgrounds and shot the gun. SANCHEZ at this time admitted to receiving the firearm to shoot. SANCHEZ also admitted that during this same trip he shot a shotgun.

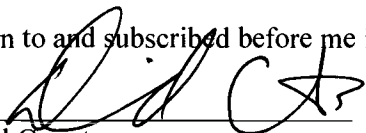
7. Based on my training, expertise and experience, I believe **Aaron HERNANDEZ** who having been convicted of a crime punishable by imprisonment for a term exceeding one year, namely for the felony offense Burglary of Habitation – CR36529 on 11/24/09 in the 385th District Court in Midland, Midland County, did knowingly and intentionally possess a firearm to wit: Taurus .38 Special Ultra-Lite (Serial #EU14831 manufactured in Brazil), which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g) (1).



James Dolan
Task Force Officer
Drug Enforcement Administration

5/27/15
Date

Sworn to and subscribed before me in my presence.



David Counts
United States Magistrate Judge

5/27/15
Date